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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,627	03/01/2002	Katsuhiro Oomori	H07-137796M/NHK	5358

21254 7590 11/29/2002

MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

MOHANDESI, IRAJ A

ART UNIT PAPER NUMBER

2834

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,627

Applicant(s)

OOMORI ET AL.

Examiner

Iraj A Mohandesi

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 5 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 058626, filed on 03/02/2001.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1,2 are rejected under 35 U.S.C. 102(b) as being anticipated by

Schmuck US patent 3,813,567.

Schmuck'567 discloses a motor-driven tool (1, column 3 line 37 Fig. 1)) comprising: a motor including an armature (13, column 3 ,line 54, Fig. 1) and a stator (7, column 3 ,line 44, Fig. 1) , a cooling fan (14, column 3 ,line 57 Fig. 1) provided on a rotary shaft (13a , column 3, line 55, Fig. 1) , a carbon brush part (9, column 3, line 52, Fig. 1) adapted to be cooled by said cooling fan; And a housing (1a , column 3, line 42, Fig. 1) , inherently a suction port in front and around the fan blade) and a discharge port (Fig. 1 in the motor housing) , a cylindrical side wall (Fig. 1 the portion in front of the fan between the suction port and commutator), the cylindrical side wall located close

to an outer periphery of said commutator being provided(Fig. 1 shows a tapered shape portion which grows wider toward said commutator)and grows narrower toward a coil end of the armature) a heat radiating plate made of metal and adapted to be engaged with said carbon brush part 9a (column 3 ,line 60 – 68)

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 4, is rejected under 35 U.S.C. 103(a) as being unpatentable over

Schmuck'567 and in view of **Wille US patent 5,949,173**

Schmuck'567 discloses a motor-driven tool (1, column 3 line 37 Fig. 1)) comprising: a motor including an armature (13, column 3 ,line 54, Fig. 1) and a stator (7, column 3 ,line 44, Fig. 1) , a cooling fan (14, column 3 ,line 57 Fig. 1)provided on a rotary shaft (13a , column3, lime 55, Fig. 1) , a carbon brush part (9, column 3, line 52, Fig. 1) adapted to be cooled by said cooling fan; And a housing (1a , column 3, line 42, Fig. 1) , inherently a suction port in front and around the fun blade) and a discharge port(Fig. 1 in the motor housing) , a cylindrical side wall (Fig. 1 the portion in front of the fun between the suction port and commutator), the cylindrical side wall located close to an outer periphery of said commutator being provided(Fig. 1 shows a tapered shape portion which grows wider toward said commutator)and grows narrower toward a coil

end of the armature) a heat radiating plate made of metal and adapted to be engaged with said carbon brush part 9a (column 3 ,line 60 – 68)

However **Schmuck'567** teaches all limitations of the claimed invention except an electronic component and

Wille'173 discloses a permanent magnet direct current motor with brushes having an electronic component (column 9, line 49) for the purpose of reducing the(RFI)

Therefore it would have been obvious to one having ordinary skill in the art to combine **Schmuck'567** motor with a electronic component as taught by **Wille'17** for the purpose of reducing the(RFI).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmuck'567, Wille'17** as applied to claims 1,2,4 above, and further in view of **Weldon US patent 4,562,368**.

However the combination of **Schmuck'567, Wille'17** fails to teach a filter.

Weldon'368 discloses an electrical motor with brush mechanism having filter to prevent dust and particles entering in to motor (166,column11,line 28).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify combination of **Schmuck'567, Wille'17** with a filter as taught by **Weldon'368** for the purpose of preventing dust and particles to enter in to the motor.

Allowable Subject Matter

6. Claim 3 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Communication

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iraj A Mohandesi whose telephone number is (703)305-3242. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-0377.

IM
November 26, 2002


EXAMINER
SIGNATURE: IRAJ A. MOHANDESI
TELEPHONE: (703) 305-3242